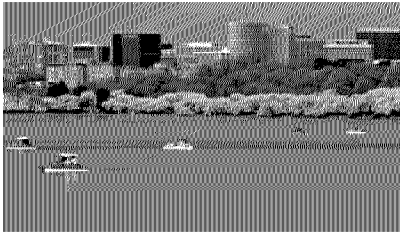


Water Law News for May 14, 2012
Mary Grady to: Steven Neugeboren
Bcc: Mindy Kairis

05/14/2012 09:39 AM

From: Mary Grady/DC/USEPA/US
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WATER LAW NEWS MAY 14, 2012

BNA, Inc.

Daily Environment

REPORT

HIGHLIGHTS

Budget

House Appropriators Expected to Mark Up EPA Bill in June; Inclusion in Omnibus Likely

Legislation that would fund the Environmental Protection Agency in fiscal year 2013 is expected to be marked up by the House Appropriations Committee in June, but the bill is unlikely to be considered on the House floor, Rep. Michael Simpson...

Climate Change

Carbon Emissions From Oil Sands Crude Lower Than Suggested by EU, Report Says

VANCOUVER, B.C.—Crude oil produced in Alberta's oil sands has a lower carbon footprint over its life cycle than has been suggested by a European Union proposal assigning pollution ratings to transportation fuels, according to...

Climate Change

Case Filed by Youth Plaintiffs May Not Be Matter for the Courts, Federal Judge Says

A lawsuit in which youth plaintiffs want the court to order the federal government to take more action on climate change may not be an appropriate matter for the courts, a federal judge said May 11 during a hearing on motions to dismiss the case...

Climate Change

EPA Renews Greenhouse Gas Data Collection

The Environmental Protection Agency intends to renew an information collection request with the White House Office of Management and Budget as part of its mandatory greenhouse gas reporting requirements. EPA announced the renewal in a Federal...

Drilling

Mechanical Failure, Human Error Led To Wyoming Gas Well Blowout, Probe Says

DENVER—The Wyoming Oil and Gas Conservation Commission has released a report stating that mechanical failure was the chief cause of a recent blowout of a natural gas well near Douglas, Wyo....

Drinking Water

EPA Releases Another Set of Test Results Finding No Violations in Dimock Water Wells

The Environmental Protection Agency released a fourth set of test results May 11 for water wells in Dimock, Pa., with findings that none of the samples violated regulatory standards for drinking water....



States Resist Senate Plan To Set 'Buy American' Rules For FY13 SRF Funds

Senate appropriators are considering adding "Buy American" mandates to EPA's drinking water and clean water state revolving fund (SRF) programs in fiscal year 2013, drawing heated objections from state officials who say such provisions would increase costs, cause "significant" construction delays and further damage the embattled programs.

Utilities Ready Study To Block Likely EPA Nitrosamine Rule Under SDWA

Drinking water utilities are developing a study on the source of nitrosamines, a class of carcinogens that are a byproduct of some disinfection processes, in order to demonstrate that exposure to the substance is only marginally attributable to drinking water sources, thereby stalling a likely EPA regulation for the chemicals, utility sources say.

Municipalities Plan Health Risk Study To Push Changes To Reservoir Rule

Local governments affected by a controversial drinking water rule that requires municipalities with open reservoirs to cover them or conduct additional treatment of their drinking water will coordinate to study whether a connection exists between uncovered reservoirs and increased illness, in hopes of pushing EPA to make the rule less strict.

Latest Blogs

Power Plant Discharge Rule Delayed

EPA and environmentalists have agreed to delay until after the November election the deadline for the agency to propose and finalize revised effluent limitation guidelines . . .

Push For IST 'Decision' Framework

The National Research Council (NRC) is calling for an “appropriate” federal entity to craft a “decision theory” framework to help companies determine the appropriate circumstances . . .



HYDRAULIC FRACTURING: EPA rules water safe in Pa. town of 'Gasland' fame

Gabriel Nelson, E&E reporter

Published: Friday, May 11, 2012

U.S. EPA testing in Dimock, Pa., didn't find any water wells with unsafe levels of chemicals tied to hydraulic fracturing, the agency said today as it released the fourth and final set of results from samples drawn from January to March.

The announcement disappointed locals who've said for years that natural gas drilling tainted their water.

One of the 12 water wells tested had an elevated level of methane, the main ingredient of natural gas, but the samples "did not show levels of contaminants that would give EPA reason to take further action," the agency said.

EPA did take the step of warning the methane-tainted well's owner and informing both the Pennsylvania Department of Environmental Protection and local emergency responders of the situation.

"Throughout EPA's work in Dimock, the agency has used the best available scientific data to provide clarity to Dimock residents and address their concerns about the safety of their drinking water," spokesman Roy Seneca said in a statement.

Dimock, a hamlet 35 miles northwest of Scranton, was made famous by the 2010 documentary "Gasland," in which some of the town's homeowners appeared setting the water from their faucets on fire and discussing their chronic health problems.

Some residents say Houston-based Cabot Oil & Gas Corp. contaminated groundwater by drilling wells into the underground Marcellus Shale and fracturing the rock to release natural gas inside.

Drilling companies have bristled at scrutiny from the Obama administration, but they have claimed vindication with each release of data from Dimock wells, saying tests show their activities have not put people or the environment at risk.

"EPA again did not indicate that those contaminants that were detected bore any relationship to gas development in the Dimock area," Cabot spokesman George Stark said in an email today. "These contaminants are more likely indicative of naturally-occurring background levels or other unrelated activities."

EPA has now released results from 59 of the 61 wells in Dimock that it tested this year. The tests found elevated amounts of a number of contaminants, including arsenic, chromium and bacteria.

None of the tests found elevated levels of harmful drilling chemicals. Though elevated methane levels can signal contamination caused by faulty drilling, methane can also naturally enter aquifers.

EPA says it will finish its testing by resampling four wells where Cabot and state officials found contaminants that EPA did not. The agency will also contact three homeowners who said they wanted testing done but didn't make an appointment earlier this year.

WATER POLLUTION: Hastings issues second Interior subpoena on mining rule

Manuel Quinones, E&E reporter

Published: Friday, May 11, 2012

House Natural Resources Committee Chairman Doc Hastings (R-Wash.) sent the Interior Department a second subpoena today demanding information related to a forthcoming rule aimed at protecting waterways from coal mining.

Hastings and other committee Republicans are investigating allegations that officials in Interior's Office of Surface Mining pressured former contractors to alter projections of job losses linked to the stream-buffer rule.

Committee leaders accuse Interior and OSM of failing to comply with lawmakers' April demand for documents and recordings (*E&ENews PM* , April 12). As a result, they say, today's subpoena is much broader in scope.

"The April 5 subpoena was narrowly crafted and asked for specific documents and recordings. The expectation was that the subpoenaed material would be readily producible by the Department," Hastings wrote in a [letter](#) to Interior Secretary Ken Salazar today. "It is unfortunate that the Department has chosen not to comply with this straightforward request."

Much of the controversy stems from leaked documents last year suggesting that the proposed rule could cost thousands of mining jobs. OSM Director Joseph Pizarchik has called the documents preliminary and argued that the rule wouldn't cause heavy economic impacts.

The new subpoena demands that Interior and OSM turn over documents relating to a settlement with environmental groups, which is one reason the Obama administration is moving forward with a new rule. The Republicans also want communications with former contractors, between department workers and with the White House.

"Department officials and political appointees are not allowed to shield their communications from public scrutiny on the basis that the information may prove embarrassing," Hastings said.

He added: "Absent a valid claim of Executive Privilege for these documents, the Department has a duty to fully and promptly comply with both of these duly authorized and issued subpoenas and must do so by May 24, 2012. I am prepared to initiate further action, should the Department continue to refuse to comply."

Interior Spokesman Adam Fetcher said the department had given the panel more than 13,000 pages of documents and had allowed staffers to see others behind closed doors. He said the administration had even provided preliminary and deliberative material surrounding the stream protection rule. Leaders and Democrats in Congress have denied wrongdoing.

"A stream protection rule has not even been proposed yet, and it is inappropriate and premature for Congress to inquire into the details of an agency's ongoing deliberations in a rulemaking activity," he said in a statement. "This premature oversight threatens the integrity of the Executive Branch's ongoing deliberations on a rule that has not yet been made public.

"Once we do put forward a proposed rule to better protect communities and water supplies from the adverse impacts of surface coal mining," he said, "we will provide ample opportunity for the Congress, public, industry, stakeholders and others to provide input that will help us develop a balanced and responsible rule."

[Click here](#) to read the new subpoena.

[Click here](#) to read the previous subpoena

EVERGLADES: New restoration plan could cost Fla. an extra \$880M

Published: Friday, May 11, 2012

A revamped plan to save the River of Grass in the Everglades could leave Florida taxpayers on the hook for another \$880 million, according to new estimates released yesterday.

Florida state and federal officials have been working on a revamped restoration agreement to resolve lawsuits over the state's failure to meet water quality standards, but they couldn't agree on a deal this week.

The proposal on the table calls for the local water management district to use a mix of cash reserves, property tax revenue and money from the state Legislature to pay for stormwater treatment and reservoirs. Florida has already spent \$1.8 billion cleaning up water pollution in the area.

James Moran, a member of the South Florida Water Management District Board, said expecting more tax revenue and more money from the state Legislature is a "wish list" rather than a plan.

"I have 880 million reasons why I don't like this plan," said Moran, who was appointed to the board by Gov. Rick Scott, a Republican. "If we approve the plan ... we will eventually have to raise taxes."

Environmental groups have supported the plan despite its increased cost. They say the investment will reap returns in the form of drinking water supplies and tourism, as well as help wildlife and native habitat.

"We are having to repair something that we have broken," Drew Martin of the Sierra Club said. "A clean environment and a clean Everglades [are] ultimately going to benefit all of us" (Andy Reid, [South Florida *Sun Sentinel*](#) , May 10). -- JE

CHEMICALS: Toxic plume from Denver-area refinery may threaten wastewater plant upgrades

Published: Friday, May 11, 2012

A toxic plume from the Suncor Energy Inc. oil refinery in Commerce City, Colo., is complicating a \$211 million upgrade at the nearby Metro Wastewater Treatment Plant, which must be done by 2015 to help the area meet federal water quality rules.

State officials have directed Suncor to do more to contain the plume, which includes cancer-causing chemicals such as benzene. Hoping to track the chemicals as they move underground, officials have also called on Suncor to install more monitoring wells at the points that are thought to be the edges of the plume.

The upgrade to the water treatment plant is intended to help it remove ammonia and nitrates from Denver wastewater so that the water

can be safely released into the South Platte River.

According to Metro Wastewater spokesman Steve Frank, the Suncor plume has come close to an area where Metro is constructing a large aeration basin structure, but it has not entered it.

"We're meeting with Metro and are working with Metro to understand their construction plans and make sure we do everything we can to allow them to effectively do their work and meet their timelines," Suncor Vice President John Gallagher said. "This is really a potential problem rather than a problem" (Bruce Finley, *Denver Post* , May 11). -- WW

ClimateWire -- Mon., May 14, 2012 -- [Read the full edition](#)

1. POLITICS: Heartland's billboard signaled, to some, a time to leave

Eli Lehrer had a sinking feeling when he learned that headquarters at the Heartland Institute was launching a razor-sharp billboard campaign denigrating the evidence of climate change. Things had already been tricky for Lehrer, whose corporate sponsors for Heartland's Center on Finance, Insurance and Real Estate had begun to express concern in February at being associated with the think tank's controversial climate views. So when Lehrer, a Heartland vice president based in Washington, learned that a giant likeness of Unabomber Ted Kaczynski would peer down at motorists on a busy Chicago highway from an electronic billboard, insulting climate advocates, he tried to stop it.

2. TRADE: China's wind turbine companies build a market in Brazil

Less than 10 years ago, nobody would have imagined that China's share of the world's wind turbine market would be in the top five. Nor would they have thought that Brazil might be a place wind power companies would fight over. Yet the day for both has arrived, more quickly than many in the industry expected.

TODAY'S STORIES

3. CARBON CAPTURE: Norway launches new CCS test site despite lack of market support

4. COAL: Surging electricity demand will keep Asian mines humming through 2020 -- analysis

5. TRANSPORTATION: Siemens launches trolley line for trucking concept

6. NEGOTIATIONS: Micronesia tries again to eliminate HFCs

7. EMISSIONS: New DOE carbon capture process could save \$275M over advanced coal plants' life span

8. BIOMASS: Wood energy struggles to gain traction in Ore.

9. FORESTS: Global petition asks Brazilian president to veto new Forest Code

10. SOLAR: Calif. proposal may lower electric bills for more solar customers

11. WILDLIFE: A warm Minn. spring is good news for fishermen, bad news for fish

E&ETV's OnPoint

12. ENERGY POLICY: Environmental author McKibben discusses new subsidy rollback legislation

EnergyWire -- Mon., May 14, 2012 -- [Read the full edition](#)

1. LNG: Interest groups inch toward acceptance on exports

As domestic gas producers struggle with prices low enough to stall drilling, Washington's lobbying groups are coalescing around common messaging that grudgingly acknowledges a place for export of the commodity. For years, manufacturing groups have balked at policy proposals that would increase demand for natural gas.

THIS MORNING'S STORIES

2. HYDRAULIC FRACTURING: Study of health effects in Marcellus Shale planned

3. HYDRAULIC FRACTURING: Pa. commission sets rules for impact fee

4. PEOPLE: Phillips 66 board elects new director

5. KANSAS: Court asked to reconsider property tax exemption for TransCanada pipeline

6. OIL SANDS: Limited capacity at Utah hearing sparks outcry

7. BUSINESS: Canadian company changes name to reach beyond oil sands

8. OIL: Iranian exports drop in response to sanctions -- IEA

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